

Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
Department of Energy Resources

MASSACHUSETTS
RENEWABLE ENERGY PORTFOLIO STANDARD
RPS 2008 ANNUAL COMPLIANCE FILING

BY RETAIL ELECTRICITY SUPPLIERS FOR COMPLIANCE YEAR 2008

Pursuant to the Renewable Energy Portfolio Standard Regulations at 225 CMR 14.00

NOTE: The 2008 RPS Annual Compliance Filing is due no later than Wednesday, July 1, 2009

225 CMR 14.09(1) & (2) require that “For each Compliance Year, the Retail Electricity Supplier . . . shall file an annual Compliance Filing with the Department no later than the first day of July . . . of the subsequent Compliance Year. For each Retail Electricity Product, the Filing shall document compliance with the provisions of 225 CMR 14.07 and 14.08.”

225 CMR 14.07(1) requires that “The total annual sales of each Retail Electricity Product sold to Massachusetts End-use Customers by a Retail Electricity Supplier shall include a minimum percentage of electrical energy sales with New Renewable Generation Attributes . . .” **THE MA RPS MINIMUM FOR 2008 IS THREE AND A HALF PERCENT (3.5%).**

225 CMR 14.02 defines “Retail Electricity Product” as “An electrical energy offering that is distinguished by its Generation Attributes and that is offered for sale by a Retail Electricity Supplier to End-Use Customers.”

225 CMR 14.08(3) provides for Alternative Compliance, as follows:

“A Retail Electricity Supplier may discharge its obligations under 225 CMR 14.07 (in whole or in part) for any Compliance Year by making an Alternative Compliance Payment (ACP) to the Massachusetts Technology Park Corporation [a.k.a. Massachusetts Technology Collaborative, MTC], established by M.G.L. c. 40J.”

ANY SUPPLIER THAT NEEDS TO MAKE AN ALTERNATIVE COMPLIANCE PAYMENT MUST DO SO BY JUNE 23, 2009.

The “Department” or “DOER” refers to the Massachusetts Department of Energy Resources.

General Instructions:

- Review all instructions carefully, including footnotes, before completing the *Filing*.
- Substantive changes in the Instructions (compared to the 2006 *Filing*) are noted by **HIGHLIGHTING!**
- Complete this 2008 RPS Annual Compliance Filing (“Filing”) using a computer, typewriter, or black ink, *as well as an electronic spreadsheet version of Table One.*
- All information submitted in or attached to the *Filing* is considered to be a public record, *except* for “product information,” as provided at 225 CMR 14.09(1)(b). DOER interprets this provision to mean that we must keep confidential, to the extent permitted by law, the quantitative information for individual products, but that we may make public the following: all company and product names, all per-company figures for regulated utilities, *aggregated* totals for the competitive supplier category, and all Alternative Compliance Payment figures.
- DOER will notify the Authorized Representative if the *Filing* is incomplete or in any other way unsatisfactory, as well as of DOER’s finding of RPS compliance or non-compliance for Compliance Year (“CY”) 2008.
- Failure to comply with the requirement of 225 CMR 14.00 will subject the Retail Electricity Supplier to the Non-Compliance provisions at 225 CMR 14.12.
- Keep a copy of the completed *Annual Compliance Filing*, including attachments, for your records.

Please mail the completed *Annual Compliance Filing* with its required Attachments to the following address:

Department of Energy Resources
Attn: RPS Annual Compliance Filing Mailbox
100 Cambridge Street, Suite 1020
Boston, MA 02114

In addition, e-mail to DOER.RPS@state.ma.us an electronic spreadsheet version of Table One as instructed on page iii, and the MS Excel spreadsheet versions of NEPOOL GIS Certificate documentation as part of Attachment 1 required by the instructions for Column D on page iv.

Questions should be directed to Howard Bernstein at DOER.RPS@state.ma.us or to (617) 626-7355.

NOTE! This 2008 *Filing* uses the terms, definitions, and standards of the RPS Regulation in effect during 2008, prior to the January 1, 2009, adoption of the RPS Class I Regulation under the Green Communities Act of 2008.

GUIDELINE ON RETAIL ELECTRICITY PRODUCTS¹

Retail Electricity Suppliers (“Suppliers”) are reminded that they are required to be in compliance for each Compliance Year (“CY”) with regard to each individual Retail Electricity Product (225 CMR 14.09(2)), and that each such Product (including Basic Service) must have its own sub-account at the NEPOOL GIS. The Department of Energy Resources (DOER) will accept GIS Certificates as documentation for RPS compliance only if they are included in “My Settled Certificates Disposition” reports from NEPOOL GIS sub-accounts.

Massachusetts Retail Electricity Product is defined in the RPS regulations at 225 CMR 14.02 as follows:

An electrical energy offering that is distinguished by its Generation Attributes and that is offered for sale by a Retail Electricity Supplier to End-Use Customers in Massachusetts.

Generation Attribute (“Attribute”) is defined at 225 CMR 14.02 as follows:

A non-price characteristic of the electrical energy output of a Generation Unit including, but not limited to, the Unit’s fuel type, emissions, vintage and RPS eligibility.

Thus, any retail product offering that makes an Attribute-based marketing claim – for example, a “green” product, “clean” product, or “25% renewable” product – would (1) be a Retail Electricity Product under RPS, (2) require its own NEPOOL GIS sub-account, and (3) need to be demonstrably in compliance with the RPS Minimum Standard at 225 CMR 14.07. Multiple retail product offerings to customers for which no Attribute-based claims are made would not, for RPS purposes, need to be differentiated as separate Retail Electricity Products under RPS and, therefore, would not, for RPS purposes, require separate GIS sub-accounts. A Supplier may, however, choose to establish separate sub-accounts for non-RPS purposes and is free to do so.

If a Supplier used NEPOOL GIS sub-accounts in 2008 for Massachusetts products that were *not* distinguished by Attributes of interest for RPS compliance (e.g., separate sub-accounts for Basic Service, for residential vs. commercial, for some large customers, etc.), the Supplier does not need to demonstrate compliance separately for such accounts. The Section 2 Instructions specify how to report such sub-accounts in the *Filing*.

The RPS regulations, at 225 CMR 14.09(2)(b), require that the total retail sales for each MA Retail Electricity Product be “verified by an independent third party satisfactory to the Department, consistent with the Guideline.” For CY 2008, the verification requirement shall be met as specified in the *Filing* instructions for Section 2, Column C.

Finally, each Retail Electricity Product must comply with the RPS minimum standard (at 225 CMR 14.07) *in addition to* any possible marketing claim with regard to supplying a certain percentage of electricity from renewable sources. See further discussion below.

GREEN POWER PRODUCTS

New Renewable Generation Attributes reported for RPS compliance in this *Filing* cannot also be used to satisfy marketing claims for a Green Power Product in the same or any other Compliance Year, in Massachusetts or in any other jurisdiction. A Green Power Product is a product for which the Retail Electricity Supplier claims that it is providing electricity from renewable sources in excess of what is required for RPS compliance in the same year.

DOER does not have responsibility for monitoring or ensuring compliance with retail marketing claims or representations. Nevertheless, if any of your Products during CY 2008 was a Green Power Product, then you must be prepared to demonstrate to the satisfaction of the Department that *none* of the New Renewable Generation Attributes (including any Alternative Compliance Credits) used for CY 2008 RPS Compliance was also used to satisfy the marketing claims or representations of such Products. DOER retains the right, under 225 CMR 14.11, to audit the accuracy of all information submitted in or with this *Filing*, as well as to conduct on-site inspections and to copy records related to RPS compliance.

NOTE: Table Three of this *Filing* (with instructions on page vi) will provide DOER with minimum accounting for the New Renewable Generation Attributes used in Green Power Products.

¹ This page is a partial update of the “Guidance for Retail Electricity Suppliers on the Use of NEPOOL GIS Sub-Accounts for the Purpose of Documenting Massachusetts RPS Compliance” that DOER issued on May 15, 2003, at <http://www.mass.gov/Eoeea/docs/doer/rps/g-gis-sa.pdf>. Some of the information on page 2 of the “Guidance” regarding quarterly settlement of certificates is outdated due to the NEPOOL GIS implementation of its Banked Certificates rule, under which (a) certificates are bankable between quarters within a single year, and (b) all certificates must be settled by the end of the fourth quarter trading period each year.

NOTE! Also see the February 9, 2006, *Guideline for Retail Electricity Suppliers on the Determination of Sales to End-use Customers for Calculating the Annual RPS Obligation*, at <http://www.mass.gov/Eoeea/docs/doer/rps/rps-compliance-guideline.pdf> for **current** guidance.

INSTRUCTIONS FOR *TABLE ONE* IN SECTION 2

General Instructions²

Table One is being provided electronically as a MS Excel spreadsheet, as well as a table in the MS Word and PDF versions of the 2008 *Filing*. In your signed, hard copy version of the Filing, you may provide a printout of the electronic spreadsheet you use to complete the Table One. In addition, you **must** email to DOER the electronic spreadsheet version of Table One – to the RPS e-mail address provided on page i.

Note that the spreadsheet version of Table One includes formulae in some columns, and that the spreadsheet is “protected” but without password. Please contact the RPS Program Manager if you require assistance.

In Table One, enter the numbers and/or names for each NEPOOL GIS sub-account for retail products offered for sale in Massachusetts in CY 2008 (column B), and the total quantity of electricity sold under each product (column C). In columns D through G enter the quantity of New Renewable Generation Attributes³ that you have acquired and now own for the purpose of Massachusetts RPS Annual Compliance in CY 2008.

Each NEPOOL GIS sub-account must be entered on a separate line in the table, and information must be entered separately on each line in columns B through D (except as provided below). The reason for such separate entry is that documentation of the information will consist of quarterly NEPOOL GIS reports that will separately identify those sub-accounts and show RPS-qualified certificates settled in those sub-accounts. However, pursuant to the regulatory definition of Retail Electricity Product (see page ii), if two or more sub-accounts are identical in their Attributes, then a *subtotal* line may be entered just below the lines for those sub-accounts in the table, and aggregated information may be entered on that subtotal line in columns E through I (but not for columns C and D). *If you do use subtotals, then in order to obtain correct column totals*, you will need to “unprotect” the spreadsheet version of the table and revise the SUM formulas for both subtotals and column totals.

Enter the Attributes in the appropriate columns D through G, in accordance with the compliance or documentation types identified at the column heads and detailed below in the column-specific instructions on pages iv to vi. Instructions for column H and I are in the respective column headings themselves. The electronic spreadsheet version of Table One includes formulae for columns G through L, and for the column totals.

Note that the MA New Renewable Generation Attributes reported in the *Annual Compliance Filing* may not be sold, retired, claimed or represented as part of electrical energy output or sales, or used to satisfy obligations in jurisdictions other than Massachusetts.

Also note that MA New Renewable Generation Attributes reported specifically for RPS compliance in an *Annual Compliance Filing* may **not** also be used to satisfy marketing claims for a Green Power Product in the same or any other Compliance Year, in MA or in any other state.

The total for each Retail Electricity Product (or Product subtotal, as defined above) in column H must equal or exceed the **three and a half** percent (**3.5%**) figure for that Product (or Product subtotal) in column I. If that is not the case, then you are not in compliance with the RPS regulations for CY 2008 and will be subject to the provisions of 225 CMR 14.12. However, Alternative Compliance (see instructions for Column G, below) should enable all Retail Electricity Suppliers to comply.

NOTE! ANY SUPPLIER THAT NEEDS TO MAKE AN ALTERNATIVE COMPLIANCE PAYMENT MUST DO SO BY **JUNE 23, 2009**. See Column G instructions for ACP details.

² 225 CMR 14.09(1).

³ New Renewable Generation Attribute **was defined in the pre-2009 Regulation** at 225 CMR 14.02. New Renewable Generation Unit (defined at 14.02, **pre-2009**) **was** also termed in the NEPOOL GIS as “Massachusetts RPS Qualified New Renewable Generation Unit” or as “MA RPS New Renewable Gen.” New Renewable Generation Attributes in the NEPOOL GIS are represented in GIS certificates that have been termed “RECs” (renewable energy certificates or credits) in common marketplace parlance. **The word “New” was replaced by “RPS Class I” in the RPS Class I Regulation adopted on January 1, 2009.** **NOTE!** The term REC also encompasses GIS certificates earned by some Renewable Generation Units that **were not** qualified as “new” for MA RPS **in 2008** and cannot be used for **2008** MA RPS compliance; **examples** include all hydropower and trash-to-energy plants and most pre-1998 renewable plants.

Instructions on the Table One Columns and on the Documentation of Information

Column C: Total Electricity Sold in CY 2008 for each Retail Electricity Product⁴

Documentation of this information is provided by the quarterly NEPOOL GIS reports required in the instructions for Column D, below. As in prior years, the figures provided should correspond to the Load Obligation quantity in your NEPOOL GIS subaccounts, provided that such figures were correctly entered. Those, in turn, should match the monthly Load Obligations described in the following paragraph. See the *Guideline* cited in footnote 4.

The RPS regulations at 225 CMR 14.09(2)(b) also provide that your total retail sales for each MA Retail Electricity Product be “verified by an independent third party satisfactory to the Department.” For CY 2008, DOER intends to obtain from the regulated distribution utilities copies of their retail load obligation reports, which list the load obligations of all retail Suppliers in their franchise territories. In addition, however, DOER reserves the right to require additional documentation directly from any Supplier, including the possibility of an independent audit.⁵

Column D: CY 2008 NEPOOL GIS MA New Renewable Generation Unit Certificates⁶

For the quantity of New Renewable Generation Unit Certificates listed in column D for each Retail Electricity Product in Table One, provide documentation as an Attachment 1 to the *Filing*. That documentation shall consist of two versions of the NEPOOL GIS “My Settled Certificates Disposition” report (including certificate serial numbers) for each of the four quarters of 2008 – *regardless* of your sales and certificate activities for a particular quarter, and even for quarters that show *no* certificates – as follows:

- a. Submit a printout of the HTML (web) version of each of those reports (but you may omit the columns to the right of the MA columns); and
- b. Download each of those reports as an MS Excel (or equivalent) file – each with a descriptive filename, including your company name and the quarter – and submit those files to DOER by e-mail, addressed to DOER.RPS@state.ma.us.

NOTE! If any of your certificates were **not** settled in retail product sub-accounts, you may **not** include them in Column D figures. Instead, you must include them in Column E and Table Two, for which see the instructions below.

Column E: CY 2008 Attributes NOT Documented by Settled NEPOOL GIS MA New Renewable Generation Unit Certificates⁷

Column E is reserved for 2008 New Renewable Generation Attributes that *cannot*, for whatever reason, be documented by NEPOOL GIS “My Settled Certificates” reports. For the quantity of New Renewable Generation Attributes listed in column E of Table One, if any, provide information in Table Two. See the Instructions for Table Two on page vi, below

Columns F1 & F2: Banked Attributes from the CY 2006 &/or 2007 Annual Compliance Filings⁸

The RPS regulations at 225 CMR 14.08(2) provide that “A Retail Electricity Supplier may use New Renewable Generation Attributes produced in one Compliance Year for compliance in either or both of the two subsequent Compliance Years, subject to the limitations set forth herein and provided that the Retail Electricity Supplier is in compliance with 225 CMR 14.00 for all previous Compliance Years.”

⁴ 225 CMR 14.09(2)(a) and (b). **NOTE:** Also see the *Guideline for Retail Electricity suppliers on the Determination of Sales to End-Use Customers for Calculating the Annual RPS Obligation*, on-line at <http://www.mass.gov/Eoeea/docs/doer/rps/rps-compliance-guideline.pdf>.

⁵ In case DOER does require additional verification, note the following methods by which a Supplier offering an attribute-based product could verify its Product sales without an audit:

- (a) If a Supplier's Product is Green-E certified, the audit for that certification would suffice.
- (b) If a Supplier uses an electronic business transactions (EBT) provider to manage the customers switching to its Product, that provider would qualify as a third party for verification.
- (c) A Supplier could set up a new supplier account when using EBT to sign up customers in each service territory.

⁶ 225 CMR 14.09(2)(c)1 and 2.

⁷ 225 CMR 14.09(2)(c)3. This column is for NEPOOL GIS Certificates representing the output of RPS-qualified Generation Units but not coded as “Massachusetts RPS Qualified New Renewable Generation Unit” or as “MA RPS New Renewable Gen,” as well as for New Renewable Generation Attributes from Generation Units that did not participate in the NEPOOL GIS.

⁸ 225 CMR 14.09(2)(d). See also 225 CMR 14.08(2).

Banked Attributes are documented by reference to the CY 2006 and 2007 *Annual Compliance Filings* that you submitted to DOER on or about July 1, 2007 and 2008. For CY 2008 compliance, you can use no more than the number of Banked Attributes documented in your CY 2006 *Annual Compliance Filing* and confirmed by DOER, **minus** any such Banked Attributes that you **already** used for CY 2007 compliance, **plus** the number of Banked Attributes documented in your CY 2007 *Annual Compliance Filing* and confirmed by DOER. Those 2006 and 2007 Banked Attributes do not retain any identities they might have had with Products in 2006 and 2007; therefore, you may assign them to *any* CY 2008 Products.

Banked Attributes from 2006 can be used for compliance only once and only for the 2007 and 2008 Compliance Years; they *cannot* be used *after* the CY 2008 *Annual Compliance Filing*. Likewise, Banked Attributes from 2007 can be used only once and only for CY 2008 and 2009 compliance. Finally, Attributes created in 2008 that are in excess of your 2008 compliance obligation can be banked and used only once and only for CY 2009 and 2010 compliance. If this is not clear, please contact the RPS Program Manager at DOER.

NOTE! **Surplus Attributes [RECs] cannot be banked between years within the GIS; rather, they can be banked only by means of a state RPS compliance filing.** Thus, for MA RPS, the RECs **must** be submitted and documented in an MA RPS annual compliance filing in order to be counted as surplus and, thereby, to be confirmed by DOER as banked for compliance in subsequent years.

NOTE that if you did **not** submit a 2006 or 2007 *Annual Compliance Filing*, then you do **not** have any Banked Attributes from 2006 or 2007 to use for CY 2008 RPS compliance.

Column G: CY 2008 Alternative Compliance Credits (from Alternative Compliance Payments)⁹

The electronic spreadsheet version of Table One will do the calculations described below as a and b.

- a. In order to determine if you do require Alternative Compliance Credits (“AC Credits”), do the following:¹⁰
 - Fill out a copy of Table One without consideration of AC Credits (i.e., enter no numbers in Column G).
 - For each of your Products or Product subtotals, see if you are short of the **three and a half percent (3.5%)** RPS obligation.
 - If you are short for any of them, then you *do* require AC Credits in order to comply with RPS for CY 2008. Otherwise, you do *not* require AC Credits in order to comply.
- b. To determine how many AC Credits you need, if any, add up the amounts (in MWh) by which you are short.
NOTE: *If the total is not a whole number, round it **up** to the next whole number* [The electronic spreadsheet version of Table One includes a formula to provide this result.].
(Note here that you cannot shift certificates between NEPOOL GIS sub-accounts after the end of the trading period during which they were settled. However, some of the sub-accounts may be aggregated per the General Instruction on page iii, depending on how those sub-account products were defined. Also, although excess Attributes for a particular Product cannot be shifted to another Product, they can be “banked” for compliance in a future Compliance Year [see Column F instructions].)
- c. To obtain AC Credits, you will need to make an Alternative Compliance Payment (ACP) to the Massachusetts Technology Park Corporation (d.b.a. Massachusetts Technology Collaborative, or MTC).
The ACP should be made no later than **June 23, 2009, in order for the MTC to have sufficient time to process the payment and e-mail you an ACP Receipt by June 26, so you can include it with your Filing.**
- d. To calculate the amount of your ACP, multiply the total of your unmet RPS Attribute obligation (a whole number, otherwise rounded up) by the ACP Rate for CY 2008: **\$58.58 per MWh**. (Note that the ACP Rate is revised for each Compliance Year.)
- e. The ACP must be wired directly to the MTC. To obtain ACP wire instructions and ACP Notification forms, contact Joe Nasalski at the MTC by phone (508-870-0312, ext. 1489) or email (nasalski@masstech.org).
- f. The total number of AC Credits that you enter in Column G, which you will have calculated and included in your ACP Notification to the MTC, will also be listed on your ACP Receipt from the MTC.
- g. Although you will not *officially* “receive” the AC Credits from DOER until our acceptance of your ACP documentation, distribute the calculated AC Credits among the Products (and/or Product subtotals), as needed, in Column G of Table One.

⁹ 225 CMR 14.09(2)(e). See also 225 CMR 14.08(3).

¹⁰ The calculations described in **a** and **b** are reflected in the formulae of the electronic spreadsheet version of Table One.

- h. If you avail yourself of the Alternative Compliance option, document your ACP by providing as Attachment 2 a copy of your ACP Receipt(s) from the MTC.

Column H: Total of Columns D through G for Each Product [or Product Subtotal]

The column head is self-explanatory.

The electronic spreadsheet version of Table One will execute this calculation.

Column I: 3.5% of Total Sales for Each Product [or Product Subtotal]

Instructions are in the column head: 3.5% of Column C.

The electronic spreadsheet version of Table One will execute this calculation.

Columns J, K, and L: Calculation of Excess Attributes from 2008 and of Their Availability for Banking for CY 2009 and 2010 Compliance¹¹

The electronic spreadsheet version of Table One will execute the calculations described below.

Use these three columns to determine if you have any Attributes in excess of the number needed for RPS compliance in CY 2008, and, if so, how many may be used for Banked Compliance in one or both of the next two Compliance Years (2009 and 2010).

Instructions are in the three columns themselves in the MS Word and PDF versions of the *Filing* forms, but not in the electronic spreadsheet version, where they are reflected in the formulae. Note that these calculations use only column totals.

INSTRUCTIONS FOR TABLE TWO¹²

Table Two is for information about 2008 New Renewable Generation Attributes that cannot be documented by NEPOOL GIS “My Settled Certificates” reports.

These Attributes must be either (a) from MA RPS New Renewable Generation Units that did not participate in the NEPOOL GIS; or (b) from MA RPS New Renewable Generation Units that did participate in the NEPOOL GIS but whose GIS Certificates were *not*, for whatever reason, encoded as having such Attributes. In the latter case, you must explain the failure to encode. If the reason is that the GIS Certificates were not settled into product sub-accounts, then you must provide copies of the relevant quarterly “My Unsettled Certificates” reports in the same manner as instructed for Table One, Column D documentation.

In either case, documentation of the information must be provided as an Attachment 3 to this *Filing*. With the exception of NEPOOL GIS reports, the documentation in Attachment 2 must be specifically verified by an independent third party satisfactory to the Department. Finally, the documentation must include separate assurances satisfactory to the Department that “the New Renewable Generation Attributes have not otherwise been, nor will be, sold, retired, claimed or represented as part of electrical energy output or sales, or used to satisfy obligations in jurisdictions other than Massachusetts,” signed by whomever signs the Filing. Contact the RPS Program Manager for further guidance on satisfactory documentation and verification or for situations not clearly covered here.

INSTRUCTIONS FOR TABLE THREE

Table Three is for information to document your use of 2008 New Renewable Generation Attributes for 2008 RPS compliance, *as distinguished from* your use of *other* 2008 New Renewable Generation Attributes to satisfy the marketing claims of Green Power Products. Each Product listed in this table should also appear as a separate sub-account in your GIS documentation and must be listed in Table One of this Filing, along with its total retail sales. However, only the 2008 New Renewable Generation Attributes used to comply with the product’s 2008 RPS obligation can appear in *both* tables One and Three. *Other* 2008 New Renewable Generation Attributes used to fulfill product marketing claims can appear only in Table Three, *not* in columns D or E of Table Two.. However, **documentation** of the Attributes in Columns D and E of Table One also must encompass documentation of **all** 2008 New Renewable Generation Attributes of Table Three.

¹¹ 225 CMR 14.09(2)(f). See also 225 CMR 14.08(2).

¹² 225 CMR 14.09(2)(c)3.

DOER USE ONLY

[6/11/09]

1. Date received: __/__/__

2. Initial review complete: __/__/__

3. Documentation verified: __/__/__

4. Filer informed: __/__/__

**Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
Department of Energy Resources**

**MASSACHUSETTS RENEWABLE ENERGY PORTFOLIO STANDARD
RPS 2008 ANNUAL COMPLIANCE FILING
BY RETAIL ELECTRICITY SUPPLIERS
FOR COMPLIANCE YEAR 2008**

SECTION 1 Identification and Contact Information

1.1 Name of Retail Electricity Supplier:

Legal Name: _____

Any Other Name(s) Used in the Retail
Electricity Market in Massachusetts: _____

1.2 Name of Contact Person: _____

Title: _____

Address: _____

Phone: _____

Fax: _____

E-mail: _____

1.3 Name of Authorized Representative: _____

Title: _____

Address: _____

Phone: _____

Fax: _____

E-mail: _____

SECTION 2 Annual Sales and New Renewable Generation Attributes for Each Retail Electricity Product

TABLE ONE: Annual Compliance Calculations

A	B	C	D	E	F1	F2	G	H	I	J	K	L
	Sub-Account and/or Product Name	Total Electricity Sold in CY 2008 for each Retail Electricity Product	CY 2008 NEPOOL GIS MA New Renewable Generation Unit Certificates	CY 2008 Attributes <i>NOT</i> documented by <i>settled</i> GIS MA New Renewable Generation Unit Certificates	New Renewable Generation Attributes <i>BANKED</i> from 2006 <i>Annual Compliance</i>	New Renewable Generation Attributes <i>BANKED</i> from 2007 <i>Annual Compliance</i>	CY 2008 Alternative Compliance Credits [from ACPs]	Total of columns D thru G for each Product [or Product subtotal]	3.5% of Total Sales for each Product [or Product subtotal] ¹³ [=3.5% of column C]	Quantity of excess Attributes from CY 2008	Limit on excess Attributes available for Banking	Quantity of excess 2008 Attributes that can be Banked
		MWh	MWh	MWh	MWh	MWh	MWh	MWh	MWh	MWh	MWh	MWh
1										If the total of Column H is greater than the total for Column I, enter the difference, which is the excess number of Attributes. Otherwise, enter zero.	Enter 30% of the total of Column I.	Enter the lesser of the quantities in Columns J and K.
2												
3												
4												
5												
6												
7												
8												
9												
10												
Column Totals:												

The total for each Retail Electricity Product (or Product Subtotal, as defined in the Instructions) in column H must equal or exceed the three and a half percent (3.5%) figure for that Product in column I (*rounded up to the next whole number*). If that is not the case, then you are not in compliance with the RPS regulations for CY 2008 and will be subject to the provisions of 225 CMR 14.12.

Be reminded that the MA New Renewable Generation Attributes reported in the *Annual Compliance Filing* may not be sold, retired, claimed or represented as part of electrical energy output or sales, or used to satisfy obligations in jurisdictions other than Massachusetts.

Also be reminded that the MA New Renewable Generation Attributes reported for RPS compliance in this Table cannot also be used to satisfy marketing claims for a Green Power Product in the same or any other Compliance Year, in Massachusetts or in any other jurisdiction.

¹³ Three and a half percent (3.5 %) is the CY 2008 minimum standard for RPS compliance. *Any figure in this column that is fractional must be rounded up to the next whole number.*

TABLE TWO:
CY 2008 Attributes NOT Documented by Settled NEPOOL GIS
MA New Renewable Generation Unit Certificates¹⁴

	Name of Sub-Account/Product	Generation Unit Name ¹⁵	Fuel Type	Month of Generation	MWh Acquired
1					
2					
3					
4					
5					
Total MWh Acquired:					

TABLE THREE:
Green Power Product Worksheet¹⁶

	Name of Green Power Sub-Account/Product	Total Electricity Sold in CY 2008 for each Green Power Product	Total New Renewable Generation Attributes used to fulfill the Product's marketing claims	Total New Renewable Generation Attributes used to comply with the Product's 3.5% RPS obligation	Total of previous two columns
1					
2					
3					

SECTION 3 Renewable Generation Attributes¹⁷

Provide here a total of all of your electrical energy sales to End-Use Customers in CY 2008 that are associated with Renewable Generation Attributes. You can derive this data from the same documentation as for column D of Table One. Do *not* include sales that are not documented by NEPOOL GIS reports, and do *not* include the MWh amounts from columns E, F, or G in Table One. In addition, do *not* derive any of this data from "Residual Mix" information. The data required here is *all* to be found in the quarterly NEPOOL GIS "My Settled Certificates Disposition" report, namely in the "Quantity" column for the rows that are marked as "Yes" in the "MA Renewable Resource" column. The latter column identifies *all* generating sources that meet the RPS regulatory definition of "Renewable Generation Unit," including both those that meet the definition of "New Renewable Generation" and many that do not meet that definition and, therefore, cannot qualify for RPS.¹⁸

Total retail electricity sales in CY 2008 from

Renewable Generation Units documented by the NEPOOL GIS:

	MWh
--	-----

¹⁴ 225 CMR 14.09(2)(c)3. See instructions on page vi. If you require more rows, provide an attached table with the required information.

¹⁵ Unit Name is the name of the generating unit from which New Renewable Generation Attributes were obtained, regardless of whether directly or indirectly (e.g., through a broker).

¹⁶ If you require more rows, provide an attached table with the required information.

¹⁷ See instructions on page vi. 225 CMR 14.09(2)(g). See 225 CMR 14.02 for the definitions of Renewable Generation Attribute and Renewable Generation Unit, which are broader than the definitions of *New* Renewable Generation Attribute and *New* Renewable Generation Unit.

¹⁸ Examples of Renewable Generation Units that **did not qualify in 2008** as "New" include hydroelectric, municipal solid waste, pre-1998 wind, natural gas fuel cells, and non-Massachusetts behind-the-meter photovoltaics. Such units *are* to be included in this Section.

SECTION 4: Certification

Sign and date both Certifications on this page.

In addition, provide documentation, in accordance with the instructions below – attaching, if applicable, Appendix A or Appendix B – that demonstrates the authority of the Authorized Representative named in Section 1.3 to certify and submit this *Annual Compliance Filing*.

Corporations

(including LLCs)

If the Retail Electricity Supplier is a corporation, the Authorized Representative shall attach **either**:

- (a) A board of directors vote granting authority to the Authorized Representative to execute the *Annual Compliance Filing*, **or**
- (b) A certification from the Corporation stating that the Authorized Representative is authorized to execute the *Annual Compliance Filing*, or is otherwise authorized to legally bind the corporation in like matters.

Individuals

If the Retail Electricity Supplier is an individual, that individual shall complete and attach APPENDIX A, or a similar form of certification from the Retail Electricity Supplier, duly notarized, that certifies that the Authorized Representative has authority to execute the *Annual Compliance Filing*.

Non-Corporate Entities

(Proprietorships, Partnerships, Cooperatives, etc.)

If the Retail Electricity Supplier is not an individual or a corporation, the Authorized Representative shall provide APPENDIX B or other executed resolution indicating that the person named in section 1.3 has authority to execute the *Annual Compliance Filing*

I hereby certify, under pains and penalties of perjury, that the MA New Renewable Generation Attributes reported in this *Annual Compliance Filing* have not otherwise been, nor will be, sold, retired, claimed or represented as part of electrical energy output or sales, or used to satisfy obligations in jurisdictions other than Massachusetts.

Signature of Authorized Representative

Date

I hereby certify, under pains and penalties of perjury, that I have personally examined and am familiar with the information submitted herein and that, based upon my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties, both civil and criminal, for submitting false information, including possible fines and punishment. My signature below certifies all information submitted in this *Annual Compliance Filing*. The *Annual Compliance Filing* includes the *Annual Compliance Filing* form and all required Appendices and Attachments.

Signature of Authorized Representative

Date

APPENDIX A
(Required when Retail Electricity Supplier Is an Individual)

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENERGY RESOURCES

ANNUAL COMPLIANCE FILING
Pursuant to the Renewable Energy Portfolio Standard
225 CMR 14.00

I, _____, the Retail Electricity Supplier named in Section 1.1 of the attached *RPS 2008 Annual Compliance Filing*, under the pains and penalties of perjury, hereby certify that _____, named in Section 1.3 of the attached *RPS 2008 Annual Compliance Filing*, is authorized to execute this *RPS 2008 Annual Compliance Filing*.

SIGNATURE:

DATE:

(title)

(TO BE COMPLETED BY NOTARY)

I, _____, as a notary public, certify that I witnessed the signature of the above named _____, and that said individual verified his/her identity to me on this date: _____, 2009.

SIGNATURE:

DATE:

My commission expires on: _____

NOTARY SEAL

APPENDIX B
(Required when Retail Electricity Supplier Is a Non-Corporate Entity
Other Than an Individual)

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENERGY RESOURCES

ANNUAL COMPLIANCE FILING
Pursuant to the Renewable Energy Portfolio Standard
225 CMR 14.00

RESOLUTION OF AUTHORIZATION

Resolved: that _____, named in
Section 1.3 of the *RPS 2008 Annual Compliance Filing* as Authorized Representative, is
authorized to execute the attached *RPS 2008 Annual Compliance Filing* on the behalf of
_____,
the Retail Electricity Supplier named in Section 1.1 of the attached *RPS 2008 Annual*
Compliance Filing.

SIGNATURE:

DATE:

(title)

(TO BE COMPLETED BY NOTARY)

I, _____, as a notary public, certify that I
witnessed the signature of the above named _____, and
that said person stated that he/she is authorized to execute this resolution, and that the individual
verified his/her identity to me, on this date: _____, 2009.

SIGNATURE:

DATE:

My commission expires on: _____

NOTARY SEAL: